

JONES DAY

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October 28, 2020

VIA ECF

Honorable Pamela K. Chen
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Arzuaga, No. 1:17-cr-313

Dear Judge Chen:

I am writing on behalf of my client Jorge Arzuaga to respectfully request that his sentencing—which is currently scheduled for November 12, 2020—be conducted by video (or telephone if video is unavailable) rather than in person under Section 15002 of the CARES Act. I respectfully request that Your Honor make a specific finding, under Section 15002(b)(2) of the CARES Act and Administrative Order 2020-13-2 (E.D.N.Y. Sept. 21, 2020) (Hon. Roslynn R. Mauskopf, Ch. J.), that the sentencing of Mr. Arzuaga cannot be further delayed without serious harm to the interests of justice. The Government consents to this application.

As explained in Administrative Order 2020-13-2, upon the consent of the defendant, and if authorized by the Judicial Conference of the United States and the Chief Judge of the District, the CARES Act permits remote felony sentencings if the Court finds for specific reasons that the sentencing cannot be further delayed without serious harm to the interests of justice.

Mr. Arzuaga specifically consents to this remote procedure for two primary reasons. First, Mr. Arzuaga recently had a major health event (about which we have provided detail in an accompanying attachment and have requested permission to file it under seal). As a result, Mr. Arzuaga is in a high risk group if he contracted Covid-19 and would thus prefer to be sentenced by video to minimize his exposure. Second, we note Chief Judge Mauskopf's finding that for the ninety days commencing on September 26, 2020, sentencings "cannot be conducted in person without seriously jeopardizing public health and safety."

We respectfully submit that there are specific reasons here that Mr. Arzuaga's sentencing should not be further delayed. For a number of reasons, Mr. Arzuaga is eager to receive and

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complete his sentence for his admitted criminal conduct as soon as possible so that he can return to his family in Argentina. Mr. Arzuaga's three children and the rest of his family reside in Argentina. Further, his sister in Argentina has stage 4 cancer that has recently metastasized. Additionally, Mr. Arzuaga now faces his own serious, recently-developed health conditions, and wants to be near his family so they can care for him as needed going forward.

We are grateful to the Court for its consideration.

Respectfully submitted,

/s/ Steven T. Cottreau